

Remarks

Claims 1-58 are currently pending in the application. Claims 48-58 are withdrawn from consideration at this time. Claims 1, 3-7, 9-35, and 37-47 currently stand rejected. Claims 2, 8, and 36 are objected to. Claims 12 and 14 have been amended. All other pending claims remain unchanged. Applicant respectfully submits that no new matter is added by the present amendment of the claims. The rejections levied in the Office Action are addressed below.

Double Patenting

Claims 1, 3-6, 9-35, and 37-47 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 56, 58-62, 65-67, 69-76, 78-81, 84-86, and 88-98 of copending U.S. Patent Application No. 09/641,742 (the '742 application); and claims 1, 3-7, 9-22, 24, 31-33, 35, 37, 39, 40, and 43-47 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 118-129, 132-137, 138-146, and 148-168 of copending U.S. Patent Application No. 10/209,618 (the '618 application). Solely in order to expedite allowance of this case, Applicant has submitted a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 to obviate these rejections. Applicant respectfully requests that the rejections be removed.

Miscellaneous Amendments

Applicant amends herewith claims 12 and 14 to correct typographical errors.

In view of the foregoing amendments and arguments, Applicant respectfully submits that the present case is now in condition for allowance. A Notice to that effect is requested.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

/C. Hunter Baker/
C. Hunter Baker, MD, PhD
Registration Number: 46,533

Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t (617) 248-5215
f (617) 502-5002
chb@choate.com
Date: March 24, 2009